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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

GERALD ROSS PIZZUTO, JR.,	)	CASE NO. 1:22-cv-00452-BLW
	)	
Petitioner,	)	
	)	
vs.	)	NOTICE RE: EXECUTION STATUS
	)	
TIM RICHARDSON, Warden,	)	<u>(CAPITAL CASE)</u>
Idaho Maximum Security Institution	)	
	)	
Respondent.	)	
	)	

COMES NOW, Respondent, Tim Richardson ("state"), by and through his attorney, L. LaMont Anderson, Deputy Attorney General, Chief, Capital Litigation Unit, and hereby notifies the Court that today, November 30, 2022, the Director for the Idaho Department of Correction ("IDOC") notified the Board of Correction, the Governor's Office, and the Idaho Attorney General's Office that IDOC does not have the necessary chemicals to carry out the execution of

NOTICE RE: EXECUTION STATUS - 1

Petitioner Gerald Ross Pizzuto, Jr., on December 15, 2022. (Appendix A). Execution preparation by IDOC will cease and the death warrant will be allowed to expire.

DATED this 30th day of November, 2022.

/s/ L. LaMont Anderson
L. LaMONT ANDERSON
Deputy Attorney General
Chief, Capital Litigation Unit

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or about the 30th day of November, 2022, I caused to be serviced a true and correct copy of the foregoing document by the method indicated below, postage prepaid where applicable, and addressed to the following:

Jonah J. Horwitz
Federal Defender Services of Idaho
702 W. Idaho Street, Suite 900
Boise, ID 83702
Jonah_Horwitz@fd.org

____ U.S. Mail
____ Hand Delivery
____ Overnight Mail
____ Facsimile
 X Electronic Court Filing

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____ Overnight Mail
____ Facsimile
 X Electronic Court Filing

/s/ L. LaMont Anderson

L. LaMONT ANDERSON
Deputy Attorney General
Chief, Capital Litigation Unit

APPENDIX A



IDAHO DEPARTMENT OF CORRECTION

Protect the public, our staff and those within our custody and supervision

BRAD LITTLE
Governor

JOSH TEWALT
Director

Date: November 30, 2022
To: Board of Correction
From: Josh Tewalt, Director
Cc: Brady Hall, General Counsel, Office of the Governor
Karin Magnelli, Lead Deputy Attorney General
Re: Execution Update

On November 16, 2022, I received the death warrant from 2nd District Judge Gaskill scheduling the execution date of Mr. Gerald Pizzuto for December 15, 2022. Upon receipt of the warrant, I announced the IDOC's current difficulties securing the chemicals necessary to carry out the execution, and I suspended implementation of SOP 135.02.01.001, Execution Procedures, except for those portions that ensured Mr. Pizzuto's due process rights remain protected. Our efforts to obtain the necessary chemicals have been unsuccessful to date.

While our efforts to secure chemicals remain ongoing, I have no reason to believe our status will change prior to the scheduled execution on December 15, 2022. In my professional judgement, I believe it is in the best interest of justice to allow the death warrant to expire and stand down our execution preparation. While the warrant remains active, Mr. Pizzuto will be housed in a manner consistent with Idaho Code.

There is no more solemn responsibility than implementing capital punishment, and it is a responsibility this agency approaches with the gravity and care it deserves. Consistent with your direction, we will maintain our readiness to carry out this process with professionalism, dignity, and respect for everyone impacted.